



## PLANNING COMMISSION City of Cortland

### MINUTES

**August 23, 2010**

A regular meeting of the City of Cortland Planning Commission was held on Monday, August 23, 2010 at 5:15 PM in the Council Chambers at City Hall, 25 Court Street, Cortland, New York.

PRESENT: Vice Chair Hansen, Comm. Felix, Schaffer, Smith and Spitzer

Staff Present: Zoning Officer Bruce Weber, Capt. William Knickerbocker,  
Engineer/Advisor Teter and Cheryl Massmann, Deputy City Clerk

Item No. 1 – Site Plan Review – 51-53 Greenbush St. – (Edwards)(R4) – Rebuild of Storage/Garage

Michael Edwards was present and he distributed new plans which showed ten (10) foot by ten (10) foot storage units behind five (5) foot by ten (10) foot storage units in the rear building which will not have any inside vehicle parking. There will be eighteen (18) parking spaces total. Comm. Schaffer asked if there were any handicapped accessible parking spots. Mr. Edwards stated that there would be two (2), but noted that he did not have any handicapped accessible apartments.

Engineer/Advisor Teter was present. He noted that in looking at the revised plans this afternoon, that lights are existing and they are now a non-issue. He noted that he had some storm water calculation issues and in talking with Tim Buhl, the last rationale was that the definition of this project was that it was not a new project and there have been no known storm water issues in the past. He explained that the rear areas should remain stone for better drainage. If those areas were to be paved then he would have some concerns. He noted that they ended up with a meeting of the minds in allowing the continuation of the stone areas in the rear of the back building, keeping the driveways as paved.

Comm. Schaffer asked if there had been any indication of flooding in the rear of that property. Engineer/Advisor Teter noted that there had been no indication. Comm. Spitzer inquired about the fence. Mr. Edwards stated that the fencing was Natrium's and that he had contacted them, but they had no plans to replace it. Engineer/Advisor Teter also noted that the plan was for nine (9) apartments and eighteen (18) parking spaces.

Comm. Schaffer noted that there were no elevations submitted on the storage buildings, but Mr. Edwards noted that they would be grey prefab buildings with steel roofs.

Comm. Felix asked how far back the paving went. Mr. Edwards stated that it only went to the back of the house. Comm. Smith noted that there should be signage indicating

entrance and exit only. Comm. Schaffer noted that on the exit only sign, that there should be a stop sign before the sidewalk for pedestrian safety.

Zoning Officer Weber noted that there would be areas that would be stone rather than asphalt, noting that some areas that were previously grass would now be stone. Mr. Edwards agreed, but noted that some of the currently paved areas, would be reverting back to grass; such as between the two buildings. Mr. Edwards stated, no, and that he was adding lawn.

Comm. Schaffer inquired about the width of the driveway asking Zoning Officer Weber if nineteen (19) feet was sufficient for a one-way drive. Zoning Officer Weber stated that it was sufficient.

On a motion by Comm. Smith, seconded by Comm. Spitzer voted and approved this project as presented upon the conditions that the stone areas remain gravel, that there are handicapped parking spots identified and that there are some markings that show the directional flow of traffic, that a stop sign be placed at the exit prior to the sidewalk and that the storage units are only for the use of tenants.

#### Item No. 2 – Site Plan Review – 112 Groton Ave./5 Woodruff – (Reeners)(R2) – Ancillary Parking

Jim Reeners presented his project. He noted that part of his property was in an R2 and he needed to apply for a Special Use Permit and an Area Variance to allow ancillary parking. He stated that the Zoning Board of Appeals approved those requests at their August 9, 2010 meeting. Comm. Spitzer noted that the house is mostly down, but asked if there were any other changes. Mr. Reeners noted that there would no other changes. He reminded them that the parking area will be gravel for now and he wouldn't be finishing the parking lot until the area had settled.

On a motion by Comm. Schaffer, seconded by Comm. Felix, voted and approved the project as approved by the Zoning Board of Appeals.

#### Item No. 3 – Site Plan Review – 9 Clinton Ave. – (1<sup>st</sup> Church)(GB) – Change of Use from Business to Church

Gwen Beck was present. Vice Chair Hansen noted that they would be making a recommendation to the Zoning Board of Appeals on the change of use. She noted that she would like to make their approval of the Site Plan contingent upon the Zoning Board of Appeals approval so that the church would not have to come back to the Planning Commission.

Ms. Beck noted that they wanted to convert the first floor storefront of the building into a reading room and to use the upper floor for a Sunday school. She noted that services will be held on Wednesdays and Sundays. She stated that the church is buying the building.

On a motion of Comm. Spitzer, seconded by Comm. Felix, voted and approved the project as presented contingent upon approval by the City Zoning Board of Appeals.

Item No. 4 – Site Plan Review – 236 S. Main St. – (Cornerstone Church)(R1) – Parking Lot

Rev. Kehner was present. He stated that they were going to have an early Head Start day care center in the Fellowship Hall building which is in Cortlandville. The part of the property that was in the City of Cortland was the parking lot. There currently were no lines designating parking spaces in the very large parking lot. He noted that there will be approximately sixteen (16) children coming and going twice a day and six (6) employees. He noted that there is a driveway from Dente Way and that it is paved. Comm. Felix asked if the entire parking lot was paved and lined. Rev. Kehner noted that it was entirely paved, but currently was not lined. He would like to stripe parking spaces closest to the building and of those, they will indicate seven (7) or eight (8) handicapped spaces. They will stripe about fifty-four (54) ten (10) foot by twenty (20) foot parking spots. He noted that there are probably about one hundred sixty-four (164) available parking spaces in the paved lot, they just aren't striped. Rev. Kehner stated that the Youth Soccer League used the parking lot in the evenings and the plan was to chain off a section or barricade off an area, so that cars couldn't get blocked in at the Fellowship Hall. He noted that there was probably about an acre of parking in the lot.

On a motion by Comm. Schaffer, seconded by Comm. Felix, voted and approved the plan as presented with designated handicapped and regular parking spaces on the East and Southeast portions of the existing parking lot.

Item No. 5 – Site Plan Review – 61 Groton Ave. – (Risavi)(R4) – Parking Lot

Robert Risavi was present. He explained that he wants to make a snow removal and parking area on the back of his lot and he wants tenants to be able to turn around as there have been a couple of times when tenants have hit his house because they had to get so close to the house.

Comm. Spitzer asked him what was in the area before he began to dig. Mr. Risavi noted that the land was gently graded from the back fence to his driveway. Comm. Schaffer asked him where his tenants had parked before he had done the digging. Mr. Risavi stated that they parked in the existing gravel area.

Vice Chair Hansen asked him how many parking spaces he had. Mr. Risavi told her that he had six (6) parking spaces for two (2) units and that he was not asking for additional parking. He did state that he would like to use the new area for parking if it was not full of snow and for a turn around. He does not plan to pave that area; he will be putting in stone.

Comm. Schaffer asked him how far down did he dig. Mr. Risavi stated that the area went sixteen (16) feet back and was dug to a depth of four (4) to five (5) feet due to the grade. He went down that far to make the area level. Comm. Schaffer asked him to explain what that did to the water flow there. Mr. Risavi noted that the embankment was slowly eroding away and what he hoped to do was to slope it and plant shrubs and grass to help with drainage. He indicated to the Planning Commission on his drawing.

Comms. Schaffer and Spitzer noted that the angle was very steep. Mr. Risavi stated it was almost a ninety (90) degree angle before, but now since the work was done, it was about a forty-five (45) degree angle and the area was about sixteen (16) feet by thirty (30) feet. Comm. Felix asked if he planned to put in a retaining wall. Comm. Spitzer asked what was going to keep the dirt from coming down. Mr. Risavi stated that he planned to angle the slope and to plant shrubbery and grass. Comm. Spitzer noted that it was still a very steep angle. Mr. Risavi stated that it was almost a straight drop off before. Comm. Felix noted that he should consider a retaining wall to keep dirt from eroding.

Comm. Schaffer noted that this work was done before a permit was obtained and if he realized that he should obtain a permit. Mr. Risavi didn't realize one was needed because he wasn't creating a parking lot, but a snow storage area. He noted that he noted that his contractor told him no permit was needed. He noted that one of his neighbors contacted the fire department, but Capt. Knickerbocker did not inform him that he had to stop, so he proceeded to dig. Comm. Felix asked him if his contractor was R. J. Reynolds Contracting and inquired if they told him that no permit was needed. Mr. Risavi noted that the contractor did not inform him that a permit was needed.

Comm. Schaffer asked him if he had noticed soil coming down onto Groton Avenue since he had done the digging and we had gotten some heavy rain. Mr. Risavi stated that he had not. Comms. Schaffer and Spitzer noted that the grading is very steep and they are concerned about drainage down the driveway. Vice Chair Hansen is also concerned about drainage. Comm. Schaffer doesn't like not having defined parking spaces and is concerned that he has dug out five (5) feet of grading on a hill which has major water problems without a retaining wall and with no plantings and no defined parking spaces and she felt that it is an incomplete plan. Comms. Spitzer, Schaffer and Felix want to see a retaining wall on the sloped area.

On a motion of Comm. Schaffer, seconded by Comm. Felix, voted and approved to have the applicant return with complete plans for grading, a retaining wall, plantings and a cross section cutaway drawing and pictures.

#### Item No. 6 – Site Plan Review Revision – 19 W. Court St. – (DelVecchio)(R4) – Parking Lot Guardrail and Landscaping

John DelVecchio was present. He stated that the guardrail that he has installed in an amenity to his approved site plan. He stated that it was not on the plan, but nothing on that plan has changed. He noted that the plan shows a six (6) inch curb and that is for drainage. He noted that there was a sixteen (16) foot drop and that the site slopes towards the right of way between his property and the Marketplace, so six (6) inch curbs are not adequate as far as safety goes. We installed what we thought was the only way to do it without encroaching on the approved plan. He indicated it on his drawing. He noted that there was exactly ten (10) feet from the property line to that guard rail. The only other thing that they could put in there would be, maybe, another retaining wall or concrete blocks. Unfortunately, using concrete blocks would be encroaching on the parking area. Vice Chair Hansen told him that the problem that she had with it looks like Route 81. Mr. DelVecchio stated that he didn't care under the circumstances. Vice Chair Hansen noted that the house is of historical significance. Mr. DelVecchio reminded her that the house is

not in the Historic District. He noted that they felt it was a safety issue and if the Board wants to deny it. Vice Chair Hansen stated that it was a safety issue. Mr. DeVecchio asked her if she wanted to take the liability if someone drove off of that cliff. Vice Chair Hansen stated that she did not. Mr. DeVecchio asked her what she recommended that he do. Vice Chair Hansen stated that she recommended that he do something different.

Comm. Schaffer stated that she had gone on the web and looked at guardrails and one of the companies said that if you have an aesthetic judgment to make in a residential area, there are a number of choices to select. She noted that this is a commercial looking thing, noting that it was appropriate to a commercial center and that this property was in a residential neighborhood in an R4 district which abuts an R1 district. She stated that this guardrail is specifically designed for commercial enterprises. She noted that on the web there were all kinds of very attractive railings that were available that would be far more suitable to the kind of major house that you have on West Court Street. She noted that there were other possibilities that he could have chosen that would have been more sensitive to the neighbors, to the building and to the R1 districts. Mr. DeVecchio noted that this abutted the central business district. Vice Chair Hansen stated that they were aware of that. Comm. Schaffer stated that it was in an R4. Mr. DeVecchio stated it was not in a Historic District.

Comm. Spitzer stated that the notion was that it was not the choice between this guardrail or nothing, but that there are other alternatives that would provide the safety, which is a good thing to do.

Comm. Schaffer asked Mr. DeVecchio what the safety impact was on that guardrail. Comm. Schaffer noted that she had looked at other guardrails that were on the bottom of Groton Avenue and noticed that they were bent and curved, ripped, etc. She noted that to her, this was not ultimate safety. She would like to see something secure, safe and attractive and appropriate to a residential site.

Vice Chair Hansen asked Mr. DeVecchio if he would do something. Mr. DeVecchio stated that he was not changing the guardrail. He asked the Planning Commission to make their ruling and he would go to court again. Comm. Schaffer stated that she didn't know why everything had to be so litigious. Comm. Schaffer stated that he did not come before this commission before he installed the guardrail. Mr. DeVecchio stated that because it was an amenity to an approve structure and that is their opinion and Mr. Weber has his own opinion. Comm. Schaffer noted that an amenity is something that looks good. Mr. DeVecchio stated that an amenity is something that needed for safety issues and this is the only thing that he feels provides safety and it's his liability and not the Planning Commission's.

Comm. Spitzer stated that wasn't the case and that was not the only alternative. Mr. DeVecchio stated that his attorney stated if the City wanted to assume liability and to come up with some design, that's fine and this Board can make that determination. Comm. Schaffer stated that nothing had to be litigious. Mr. DeVecchio stated that he was not changing it. Comm. Schaffer noted that he should be sensitive to what this Board is trying to tell you. Mr. DeVecchio stated that he had been through this Board for two (2)

years and it took a judge to make this Board decide. He asked the Planning Commission to make their determination.

Comm. Felix asked him if he installed the guardrail for safety reasons. Mr. DelVecchio noted that without that guardrail he would not have been given a certificate of occupancy because there is a sixteen (16) foot drop. The Planning Commission agreed. Comm. Felix stated that in looking at the guardrail and if he was looking to protect people from going over the guardrail, the guardrail has to be on the opposite side. Mr. DelVecchio noted that there were concrete blocks in front of the guardrail and it was impossible for a car to go over. Mr. DelVecchio stated that the concrete blocks were on the east side of the guardrail. Comm. Spitzer noted that what Comm. Felix was trying to tell him was that the guardrail was on the wrong side. Mr. DelVecchio stated that the concrete blocks were on the east side and the guardrail was on the west side. Comm. Felix asked him if he had done this on his own. Mr. DelVecchio agreed that he had done it on his own for the safety of the people who will be living there and for insurance. Comm. Schaffer asked if he had received a written request from the Code Office to put that guardrail in. Mr. DelVecchio stated that if they asked the Code Office if he didn't put the safety guardrail there or some kind of safety thing, he would not be given a certificate of occupancy for that building. Comm. Schaffer noted that he went ahead and decided to do something without coming back before this Commission. Mr. DelVecchio stated that it was an amenity to an approved structure.

Comm. Felix asked him if he would be willing to do something to color it a little bit. Mr. DelVecchio stated that he would paint it. Comm. Felix noted that it can be painted. Comm. Schaffer noted that she had been to where it had been installed in the Groton Avenue parking lot and it was rusty, coming away from rivets and she wasn't convinced that it was safe. Mr. DelVecchio stated that it was double sided. Comm. Schaffer stated that something that was that low as a protection device against people who are parking and those below, she felt that safety wasn't taken care of. She felt that it wasn't safety rated. She had lots of other issues besides aesthetics, but also the appearance of the amenity of safety. She didn't know what safety ratings are like, she had read a fair amount on a website when she went looking. Mr. DelVecchio stated that those guardrails were rated for seventy (70) miles per hour.

Comm. Felix asked if there were engineered drawings of the guardrail. Mr. DelVecchio stated that he did not and this wasn't designed by an engineer. Comm. Smith asked how deep the posts went into the ground. Mr. DelVecchio stated that the posts went in three (3) feet, just like they did on the roads. He told them to go measure on Route 81 and they would find that it was the same exact guardrail. He stated that they are not in concrete. He stated that the guardrail was rated for seventy (70) miles per hour and he would give them literature on it. Comm. Schaffer stated that it would have been nice if they had given the Planning Commission the opportunity for pre-approval before putting them in. Mr. DelVecchio stated that the posts were six (6) foot on center and on Route 81 they were twelve (12) feet on center. Mr. DelVecchio asked the Planning Commission to make their determination. Comm. Felix asked if Mr. DelVecchio would get an engineer to certify that meets requirements for vehicle safety. He noted that as long as he got an engineer to sign off that this is perfectly safe and that a vehicle hitting it at seventy (70) miles per hour will not go over that and down the sixteen (16) foot embankment and that the guardrail is

installed correctly and that you paint it in some way shape or form and make it look pleasing to the neighborhood, he didn't have a problem. Comm. Schaffer asked that Mr. DelVecchio come back before the Commission. Comm. Felix agreed that he wanted that information brought back before them. Mr. DelVecchio stated that he was not going to come back before this Board twelve (12) times. He stated that this Board needed to tell him what color they wanted and he was not going to come with five (5) different designs. He stated that they should tell him what they wanted him to do to the guardrail and if it was acceptable, he will agree and he would do it. He will not keep coming back before this Board.

Comm. Felix stated that if he came back with the engineer's certification..... Mr. DelVecchio stated that if he gave Mr. Knickerbocker an engineer's guarantee that it complies, he wanted to know why he had to come back before the Planning Commission. Comm. Spitzer stated so that this Commission could see the information. Comm. Schaffer stated that they had to have that information on record. Comm. Spitzer asked him to present information that verifies what he's been saying and it was Mr. DelVecchio's job to gather the information and present it to the Planning Commission and the correct people.

Vice Chair Hansen asked that he come back with that certification and a specific color. Comm. Schaffer stated that they didn't know what colors would stick to that metal, etc. Vice Chair Hansen asked him what kind of paint would cover the guardrail. Mr. DelVecchio stated that the guardrail was galvanized steel and they make paint to cover anything and in about every color. Comm. Schaffer stated that she wanted a brown that matched the bottom brick in the front building and Comm. Spitzer agreed. Comm. Smith thought that it should match the color of the shutters on the building.

Discussion ensued regarding color and it was decided that he should bring back a color sample and an engineer's certification.

On a motion of Comm. Felix, seconded by Comm. Spitzer, voted and approved to have Mr. DelVecchio come back before this Board at the September 27 meeting with a certified drawing from a professional engineer with a certified guarantee for the guardrail from that engineer and with a paint color sample to match the brown brick, for approval by this Commission.

Item No. 7 – 13 - Site Plan Review – 152 Main St., 2 Argyle Pl., 156 Main St., 1 Frederick St., 5 Union St., 164 Main St. and 148 Main St. – (CHAC)(GB) – Fencing

Gary Thomas was present and stated that during a recent inspection of all of the Housing Visions redone homes, the Division of Housing and Community Renewal inspector found some toys and utensils inside the air conditioning compressors. A few weeks after that, more were found, so it has been decided to install a four (4) foot high fence around the units. Vice Chair Hansen asked if the top was also going to be enclosed. Mr. Thomas indicated that it was not. The fencing would have a section that would slide up allowing for servicing of the units. Comm. Spitzer asked what the fencing would be made of. Mr. Thomas stated that it would be synthetic over an aluminum post. Comms. Schaffer & Felix noted that they would prefer not to have a picket post expressing concerns regarding impalement.

Mr. Thomas noted that it could be solid fencing in all but a few instances where there were basement apartments where they couldn't block ventilation and natural light in order to have a legal basement apartment. Mr. Thomas presented a fencing brochure and suggested the Brookhaven style in a four (4) foot height or the Brookhaven with Lattice. Comms. Felix and Smith liked the four (4) foot Brookhaven with Lattice on the top.

On a motion by Comm. Schaffer, seconded by Comm. Felix, voted and approved the site plans ad seriatim for 152 Main St., 2 Argyle Pl., 156 Main St., 1 Frederick St., 5 Union St., 164 Main St. and 148 Main St. for the installation of proposed fencing with a minimum height of four (4) feet and no more than six (6) feet in the Brookhaven with Lattice at the top style.

### New Business

Vice Chair Hansen began a discussion about letting the Code Office deal with some things like this fencing. Zoning Officer Weber noted that the way that the regulations are written, when a structure is erected, there must be site plan. He suggested that a Code revision would have to be done to change the definition of a fence as a structure.

It was announced that there will be a Public Hearing on August 31, 2010 at 7:00 PM for the Comprehensive Plan at City Hall.

It was also noted that the work on Huntington Street has yet to be done and this will be referred to the Code Office.

### Item No. 14 - Minutes - July 26, 2010

On a motion by Comm. Spitzer, seconded by Comm. Felix, voted and approved as amended.

### Adjournment

On the motion by Comm. Schaffer and seconded by Comm. Felix, voted and approved.

**I, NANCY HANSEN, VICE CHAIRPERSON OF THE PLANNING COMMISSION OF THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTION(S) WERE ADOPTED AT A MEETING OF THE PLANNING COMMISSION OF THE CITY OF CORTLAND, NEW YORK, HELD ON THE 23rd DAY OF AUGUST 2010.**

---

**NANCY HANSEN, VICE CHAIRPERSON**